

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PAIGE HUNTER, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 14, 2006

Petitioner-Appellee,

v

RODERICK HUNTER,

Respondent-Appellant.

No. 270567
Oakland Circuit Court
Family Division
LC No. 04-696411-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(h). Because petitioner established by clear and convincing evidence at least one statutory ground for termination of parental rights and the record as a whole fails to establish by clear evidence that termination is not in the child's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We find no merit in respondent's argument that the trial court erred by failing to make factual findings in support of its determination that the statutory ground for termination existed under MCL 712A.19b(3)(h). MCR 3.977(H)(1) provides that "[t]he court shall state on the record or in writing its findings of fact and conclusions of law. Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." In this case, with respect to the existence of grounds for termination, there were no contested matters. Respondent entered a plea whereby he admitted responsibility. Specifically, respondent admitted that he had been convicted of eight counts of first-degree criminal sexual conduct and one count of second-degree criminal sexual conduct, that he had been sentenced to 25 to 75 years' imprisonment, and that Paige would be deprived of a normal home for a period exceeding two years. Respondent further admitted that he failed to provide for Paige's care and custody, and there was no reasonable expectation that he would be able to do so within a reasonable time. Because respondent did not contest the factual allegations, and because MCR 3.977(H)(1) only requires findings on contested matters, the trial court's determination that the admitted allegations of the petition established the existence of statutory ground was sufficient. Cf. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

We further find no merit to respondent's claim that there was insufficient evidence to support termination of respondent's parental rights pursuant to MCL 712A.19b(3)(h). We review the trial court's findings in termination proceedings for clear error. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In this case, the trial court did not clearly err in finding that the grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *Id.* As indicated above, respondent admitted to all the elements of the grounds for termination pursuant to § 19b(3)(h).

Finally, the evidence failed to establish that termination of respondent's parental rights was clearly not in the child's best interests. Respondent argues that a bond existed between him and his daughter. However, this bond was not as strong as respondent believes. On occasion Paige feared her father and he made her feel uncomfortable. Moreover, she did not necessarily wish to speak with him and felt that he should not be responsible for her day-to-day care. Moreover, respondent failed to admit to the abuse of Paige's half-sister and he was exploitative. Clearly, this alleged bond was not so robust that it would warrant placing Paige in respondent's home where she would clearly be at risk.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio